

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

TECHNOLOGY FUNDING GROUP,	)	CIV. 07-5081-JLV
L.L.C., a Delaware Limited Liability	)	
Company,	)	
	)	ORDER GRANTING JOINT
Plaintiff,	)	MOTION FOR APPROVAL
	)	OF SETTLEMENT
vs.	)	AGREEMENT AND
	)	COMPLETE RELEASE
THE FIRST WESTERN BANK OF	)	OF ALL CLAIMS
STURGIS, a South Dakota	)	
Corporation,	)	
	)	
Defendant.	)	

Defendant, The First Western Bank of Sturgis ("First Western Bank"), and Plaintiff, Technology Funding Group, LLC ("Technology Funding"), jointly moved this Court for approval of an executed *Settlement Agreement and Complete Release of All Claims* (Docket 96-2), attached and incorporated as Exhibit 1 to the Joint Motion for Approval. (Docket 96). This Court has reviewed the record in this matter. Accordingly, the Court finds and concludes as follows:

1. The parties settled this case on February 5, 2010;
2. The parties confirmed in writing the settlement of this case by executing a *Settlement Agreement and Complete Release of All Claims* (Docket 96-2), attached and incorporated as Exhibit 1 to the Joint Motion for Approval. (Docket 96);

3. Technology Funding alleged in its Complaint (Docket 1) and Amended Complaint (Docket 53) that it purchased from the bankruptcy estate, pursuant to section 363 of the Bankruptcy Code and the court-approved Amended Asset Purchase Agreement (Hon. Robert J. Kressel, February 28, 2007), the purchased assets of Dakota Arms, Inc., a Minnesota corporation, including the right to pursue all legal actions. In re: Dakota Arms, Inc., Debtor, Case No. BKY 06-41315-RJK (United States Bankruptcy Court, District of Minnesota);

4. Pursuant to the parties' settlement, First Western Bank provided reasonable and appropriate notice of this settlement to the Bankruptcy Trustee, Julia A. Christians, Minneapolis, Minnesota;

5. The parties and the Trustee, by and through their respective counsel, specifically addressed and agreed upon the issues as may relate to the Trustee's interest in the settlement funds of this case, as evidenced by the *Stipulation Concerning Settlement Proceeds and Bankruptcy Court Order* approving the Stipulation, attached and incorporated as Exhibit 2 to the Joint Motion for Approval. (Docket 96-3); and

6. The parties have agreed, as part of this settlement, that First Western Bank and St. Paul Mercury Insurance Company shall pay the settlement funds by wire transfer in immediately available funds to the

“Clayborne, Loos & Sabers, LLP Trust Account, Attorneys for Technology Funding Group, LLC.”

Accordingly, based upon the record and good cause appearing, it is ORDERED that the Joint Motion for Approval of Settlement Agreement and Complete Release of All Claims (Docket 96) be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the settlement of this case and the executed *Settlement Agreement and Complete Release of All Claims*(Docket 96-2) attached and incorporated as Exhibit 1 to the Joint Motion for Approval (Docket 96) is authorized and approved in all respects.

IT IS FURTHER ORDERED that First Western Bank and its insurer, St. Paul Mercury Insurance Company, are authorized and approved to pay the settlement funds by wire transfer in immediately available funds to the “Clayborne, Loos & Sabers, LLP Trust Account, Attorneys for Technology Funding Group, LLP,” pursuant to the *Settlement Agreement and Complete Release of All Claims* (Docket 96-2) and the *Stipulation Concerning Settlement Proceeds and Bankruptcy Court Order* (Docket 96-3), attached and incorporated as Exhibits 1 and 2 to the Joint Motion for Approval. (Docket 96).

IT IS FURTHER ORDERED that this Court finds and concludes that First Western Bank and its insurer, St. Paul Mercury Insurance Company,

with reasonable and appropriate notice to the Bankruptcy Trustee and with payment of the settlement funds by wire transfer in immediately available funds to the "Clayborne, Loos & Sabers, LLP Trust Account, Attorneys for Technology Funding Group, LLC," have discharged any and all obligations First Western Bank and its insurer, St. Paul Mercury Insurance Company, may have to the Bankruptcy Trustee in this matter.

Dated February 25, 2010.

BY THE COURT:

  
JEFFREY L. VIKEN  
UNITED STATES DISTRICT JUDGE